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SENATE BILL 1177

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JOHN ARTHUR SMITH

AN ACT

RELATING TO DEVELOPMENT TRAINING; REQUIRING THAT DEVELOPMENT AND
IN-PLANT TRAINING FUNDS BE USED IN COUNTIES WITH HIGH
UNEMPLOYMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-19-7 NMSA 1978 (being Laws 1983,
Chapter 299, Section 1, as amended) is amended to read:

"21-19-7. DEVELOPMENT TRAINING. --

A. The economic development department shall
establish a development training program that provides quick-
response classroom and in-plant training to furnish qualified
manpower resources for new or expanding industries and non-
retail service sector businesses in high-unemployment counties
in New Mexico that have business or production procedures that
require skills unique to those industries. Training shall be

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1 custom-designed for the particular company and shall be based on
2 the special requirements of each company. The program shall be
3 operated [~~on a statewide basis~~] in high-unemployment areas and
4 shall be designed to assist [~~any area~~] counties with high
5 unemployment in becoming more competitive economically.

6 B. There is created the "industrial training board",
7 which shall be composed of:

8 (1) the director of the economic development
9 division of the economic development department;

10 (2) the director of the vocational education
11 division of the state department of public education;

12 (3) the director of the job training division
13 of the labor department;

14 (4) the executive director of the commission on
15 higher education;

16 (5) one member from organized labor appointed
17 by the governor; and

18 (6) one public member from the business
19 community appointed by the governor.

20 C. The industrial training board shall:

21 (1) establish policies and promulgate rules and
22 regulations for the administration of appropriated funds; [~~and~~
23 ~~shall~~]

24 (2) provide review and oversight to assure that
25 funds expended from the development training fund will generate

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1 business activity in counties with high unemployment and give
2 measurable growth to the economic base of New Mexico within the
3 legal limits preserving the ecological state of New Mexico and
4 its people; and

5 (3) make a determination annually, in
6 coordination with the labor department, of the counties with
7 high unemployment that qualify as areas in which development and
8 in-plant training funds may be expended.

9 D. Subject to the approval of the industrial
10 training board, the vocational education division of the state
11 department of public education shall:

12 (1) administer all funds allocated or
13 appropriated for industrial development training purposes;

14 (2) provide designated training services;

15 (3) regulate, control and abandon any training
16 program established under the provisions of this section;

17 (4) assist companies requesting training in the
18 development of a training proposal to meet the companies'
19 manpower needs;

20 (5) contract for the implementation of all
21 training programs;

22 (6) provide for training by educational
23 institutions or by the company through in-plant training, at the
24 company's request; and

25 (7) evaluate training efforts on a basis of

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1 performance standards set forth by the industrial training
2 board.

3 E. The state shall contract with a company or an
4 educational institution to provide training or instructional
5 services in accordance with the approved training proposal and
6 within the following limitations:

7 (1) no payment shall be made for training in
8 excess of one thousand forty hours of training per trainee for
9 the total duration of training;

10 (2) training applicants shall have resided
11 within the state for a minimum of one year immediately prior to
12 the commencement of the training program and be citizens of the
13 United States;

14 (3) payment for institutional classroom
15 training shall be made under any accepted training contract for
16 a qualified training program;

17 (4) no payment shall be made under any accepted
18 training contract for rental of facilities unless facilities are
19 not available on site or at the educational institution;

20 (5) all applicants shall be eligible under the
21 federal Fair Labor Standards Act and shall not have terminated a
22 public school program within the past three months except by
23 graduation;

24 (6) trainees shall be guaranteed full-time
25 employment with the contracted company upon successful

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1 completion of the training;

2 (7) persons employed to provide the
3 instructional services shall be exempt from the minimum
4 requirements established in the state plan for other state
5 vocational programs; and

6 (8) no payment shall be made for training
7 programs or production of Indian jewelry or imitation Indian
8 jewelry unless a majority of those involved in the training
9 program or production are of Indian descent.

10 F. As used in this section, "high unemployment"
11 means an annualized unemployment rate of ten percent or more as
12 determined by the labor department. "